

2 May 99

Eleanor K. Meltzer
Attorney-Advisor
Office of Legislative and International Affairs
U.S. Patent and Trademark Office
2121 Crystal Drive
Suite 902
Arlington, VA 22202

Dear Ms. Meltzer:

Early on Friday evening, I came across the announcement about the statutorily required study of official insignia of Native American tribes. According to the notice, I'm not certain that you would accept comment from me at this point and I'm also a bit uncertain that any commentary I can offer at this point would be particularly germane to your efforts.

In some respects, the issue I'm writing to you about, the insignia used by the Cleveland baseball franchise in the form of "Indians" and "Chief Wahoo" do not appear to fall within the domain of the study you are about to undertake. At some level, however, it would be my great hope that the scope of the study could be expanded to accommodate this kind of issue as well. My reason for proposing this suggestion is the fact that there is the potential for an intellectual property issue associated with the Cleveland franchise that doesn't have to do with a tribe per se but with an individual, Louis Francis Sockalexis, one of the first Native Americans to play in professional baseball. As a researcher, I just recently published an article demonstrating that the franchise's use of the Louis Francis Sockalexis story to justify their use of Native American imagery is simply misrepresented and inaccurate (two other publications will be forthcoming within the next six months). Because of the extensive amount of time I have spent researching this issue and building a case file to support my conclusion, I am convinced that the story told by the franchise is simply not supportable with fact. And yet, despite meeting with the franchise and presenting them with not only my pre-publication manuscript for their refutation (which did not happen) and copies of my findings, they continue to publish the same erroneous story this year on their website and publications. In this particular case, the official insignia of a tribe is not in question, but most certainly the history of a member of a tribe is being manipulated and misused for the purposes of

providing permission for masses of individuals to believe that images like “Chief Wahoo” are harmless while supporting a corporate entity that literally makes millions of dollars off of the marketing of an image they perpetuate through the miseducation of millions of people worldwide. (Please note - I’d be more than happy to fax a copy of the article in the event that would be helpful.)

Although not a direct parallel, in some ways this issue replicates the dilemmas associated with the use of the “Crazy Horse” name. As you may be aware, the Liz Claiborne Company has recently launched a clothing line for women with that tag line. Again, the dilemma here appears to be the same as in the previous example. It does not directly fall under the parameters of your study as outlined and yet, as an intellectual property issue, it deserves attention. More importantly, it deserves protection.

I would welcome an opportunity to speak with you about this directly or correspond with you on e-mail. I believe in both of these instances that some form of protection needs to be found to prevent corporate entities from abusing the heritage of an entire people while simultaneously contributing to the miseducation of millions of people in the process.

I very much appreciate your time in reading this submission and look forward to hearing from you in the near future.

Sincerely,

Ellen J. Staurowsky, Ed.D.

Associate Professor, Sport Sociology